

REMARKS

This is in response to the telephonic interview of July 28, 2004 between Bruce B. Brunda, Esq. and Examiner Appiah and the final Office Action of August 24, 2004.

SUMMARY OF INTERVIEW AND FINAL OFFICE ACTION

The Examiner indicated that rejection of Claim 29 would be maintained despite Applicant's argument presented to the Examiner via the Applicant's response mailed on June 1, 2004. The Examiner and Bruce B. Brunda, Esq. discussed whether modifying Claim 1 eliminating the base station limitation would be allowable, however, no consensus was reached.

In the final Office Action, Claims 29-41 and 44-46 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner indicated that with respect to Claim 29, it is not adequately disclosed and it is not clear how "such sheet is 'hinged and rotatable about an edge of the smart card such that said monopole antenna may be deployed rotating said sheet about said hinge.'" Claims 1-2, 4-28 and 47-67 are in condition for allowance, as understood.

APPLICANT'S RESPONSE

As a preliminary matter, Applicants hereby concurrently submit herewith a CHANGE OF CORRESPONDENCE APPLICATION requesting that all correspondence in relation to

the above-identified patent application be with the attorney of record at the addressed listed in the CHANGE OF CORRESPONDENCE ADDRESS APPLICATION.

In response to the final Office Action rejecting Claim 29 and its dependent claims, Applicants file this amendment in the form of a request for continued examination (RCE).

Claim 29 and its Dependant Claims

In the Office Action, the Examiner rejected Claim 29 under 35 U.S.C. § 112, first paragraph, based on a view that the subject matter of rotating the sheet about the edge is not adequately disclosed nor clear how such rotating is accomplished from the application as filed, as understood. In this regard, Applicant respectfully directs the Examiner's attention to MPEP § 2163.04 I which states that "when appropriate, amendments to the claims which can be supported by the application's written description, being mindful of the prohibition against the addition of new matter in the claims or description." Applicant respectfully requests the Examiner to provide some suggested amendments to the claims in line with the rotatable aspect of Claim 29.

Nonetheless, Applicant has amended Claim 29 by replacing "rotateable" and "rotating" with "pivotable" and "pivoting", respectively. These terms track the language of allowed Claim 1, and in this regard, is believed to be adequately disclosed in the application as filed for the same reasons that these terms are adequately disclosed in relation to Claim 1. Accordingly, Applicant respectfully submits that based on the foregoing, the Examiner's section 112, first paragraph rejection has been overcome and that Claim 29 is in condition for

allowance. Furthermore, insofar as its dependent claims, namely, Claims 30-41 and 44-46 are dependent upon an allowable base Claim 29, the dependent claims of Claim 29 are also believed to be in condition for allowance.

Claims 68-69

Applicants have added new Claim 68 which is directed only to the device and not to the communication system as recited in Claim 1. In this regard, Claim 1 which is currently in condition for allowance provides the basis for new Claim 68. New Claim 68 recites the same claim language as allowed Claim 1 except that new Claim 68 has a different preamble and eliminates the "base station" limitation in the body of the claim. In this regard, Applicants respectfully submit that new Claim 68 is in condition for allowance based on a view that new Claim 68 also recites the novel and non obvious limitations in allowed Claim 1.

Applicant's by this RCE respectfully request entry in the prosecution of the above-identified patent application new Claim 69. The basis for new Claim 69 may be found in the application as filed, namely, in Figure 9 and paragraphs 41-43. Applicant respectfully submits with respect to new Claim 69 that the cited prior art does not disclose the limitations recited in Claim 69 nor is the invention recited in Claim 69 obvious in view of the cited prior art. Moreover, US Pat. No. 5,856,786¹ does not disclose the limitations recited in Claim 69. For example, the '786 patent does not disclose a device body having dimensions similar to the length, width and thickness of a credit card. Additionally, the '786 patent suggest or

¹ US Pat. No. 5,856,786 is made of record pursuant to 37 CFR 1.97 (c). In particular, an IDS is submitted concurrently herewith and the fee set forth in 37 CFR § 1.17 (p) is also submitted concurrently herewith.

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make obvious the invention recited in new Claim 69. Accordingly, Applicant respectfully submits that Claim 69 is also in condition for allowance.

CONCLUSION

On the basis of the foregoing, Applicants respectfully submit that Claims 1, 2, 4-18, 29-41, 44-57, and 68-69 are in condition for allowance. Accordingly, an early Notice of Allowance is respectfully requested. Should the Examiner have any suggestions for expediting allowance of the application, the Examiner is invited to contact Applicants' representative at the number listed below.

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

Date: September 30, 2004

By: _____



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